

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

V.

EPHRAIM ROSENBERG,
JOSEPH NILSEN,
HADIS NUHANOVIC,
KRISTEN LECCESI,
ROHIT KADIMISETTY, and
NISHAD KUNJU,

Defendants.

NO. CR20-151RAJ

**STIPULATED MOTION FOR
PROTECTIVE ORDER**

Noted: October 30, 2020

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Steven Masada and Siddharth Velamoor, Assistant United States Attorneys, and Defendants EPHRAIM ROSENBERG, JOSEPH NILSEN, HADIS NUHANOVIC, KRISTEN LECCESE, and ROHIT KADIMISETTY (collectively “Defendants”), by and through their attorneys of record below, hereby file this Stipulated Motion for a Protective Order.

I. BACKGROUND

2 On September 16, 2020, a Grand Jury in this District returned an Indictment against
3 the Defendants. *See* Dkt. 1. Pursuant to Rule 16 of the Federal Rules of Criminal
4 Procedure, the Local Rules of the U.S. District Court for the Western District of
5 Washington, and other applicable law, the United States will produce discovery to the
6 Defendants. The government anticipates that its discovery production will consist of
7 sensitive and confidential materials, including: (1) personal identifying information (PII)¹
8 about witnesses and other third parties²; (2) transcripts of testimony before the Grand Jury;
9 and (3) trade secret and other business confidential information that is alleged to belong to
10 victims of the conduct charged in the Indictment; and (4) information about pending non-
11 public criminal investigations.

II. PROTECTIVE ORDER REQUEST

13 The potential disclosure of this sensitive, confidential, information (referred to
14 herein as the “Protected Material”) to persons other than the relevant defendants and their
15 counsel may therefore impair numerous interests, including victims’ interests in the
16 confidentiality and exclusive use of their information, the privacy and security of third
17 parties, and the integrity of ongoing government investigations. The parties agree that
18 there is good cause for the entry of a Protective Order to safeguard these interests. *See* Fed.
19 R. Crim. P. 16(d)(1) (“At any time the court may, for good cause deny, restrict, or defer
20 discovery or inspection, or grant other appropriate relief.”); *see also United States v.*
21 *Alderman*, 394 U.S. 165, 185 (1969) (“[T]he trial court can and should, where appropriate,
22 place a defendant and his counsel under enforceable orders against unwarranted disclosure

¹ "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identification information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers, locations of residences or employment, medical records, school records, juvenile criminal records, and other confidential information. The government has tried and will continue to try to redact PII as appropriate, but the parties acknowledge and agree that this will not always be possible, and that in some instances un-redacted PII may be necessary to the defense.

² The term “third party” includes defendants other than the defendant to whom discovery is being produced by the government.

1 of the materials which they may be entitled to inspect.”); *United States v. Wecht*, 484 F.3d
2 194, 211 (3d Cir. 2007).

3 The parties request that the Court enter a Protective Order that would prohibit the
4 distribution of the Protected Material and the information contained therein, as set forth in
5 greater detail in the Proposed Order. In essence, under the proposed Protective Order,
6 possession of the Protected Material would be limited to the attorneys of record in this case
7 and their staff, and to any investigators, expert witnesses, and other agents that the attorneys
8 of record retain in connection with this case. Each defendant would be permitted to inspect
9 and review the Protected Material but would not be permitted to possess Protected
10 Material, or to make or retain copies of Protected Material. These proposed restrictions
11 are designed to permit full use of the Protected Material and information contained therein
12 in the preparation of the defendants’ defense, but to avoid distributing Protected Material
13 and the information therein to other persons who have no legitimate defense-related need
14 for the information.

15 **III. CONCLUSION**

16 For the foregoing reasons, the parties respectfully request that the Court enter the
17 proposed Protective Order.

18
19 DATED this 30th day of October, 2020.

20 Respectfully submitted:
21 BRIAN T. MORAN
22 United States Attorney

23 s/ Siddharth Velamoor
24 SIDDHARTH VELAMOOR
25 STEVEN MASADA
26 Assistant United States Attorneys

1 So stipulated this 30th day of October 2020, via email authorization.

2
3 /s/ Peter Offenbecher
4 PETER OFFENBECHER
5 JACOB LAUFER
6 Counsel for Defendant Ephraim Rosenberg

7 /s/Justine Harris
8 JUSTINE HARRIS
9 ROBERT FLENNAUGH
10 Counsel for Defendant Joseph Nilsen

11 /s/Kathleen Cassidy
12 KATHLEEN CASSIDY
13 ROBERT FLENNAUGH
14 Counsel for Defendant Kristen Leccese

15 /s/Jess Johnson
16 JESS JOHNSON
17 MICHAEL NANCE
18 Counsel for Defendant Hadis Nuhanovic

19 /s/Kam Kooshki
20 KAM KOOSHKI
21 BARRY FLEGENHEIMER
22 Counsel for Defendant Rohit Kadimisetty

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the attorney of record for the Defendant.

s/Marwa Hirmendi
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